

## **REMARKS**

Applicant appreciates the thorough examination of the present application that is evidenced in the final Official Action of January 18, 2007 (the "Official Action"). Applicant further sincerely appreciates the Examiner's consideration in conducting a telephonic interview for the present application with the undersigned attorney on April 4, 2007. For the reasons discussed below, Applicant respectfully requests reconsideration and allowance of the present application.

### Claim Objections

Applicant thanks the Examiner for bringing attention to the error in numbering of claims. Misnumbered claim 28 (the second occurrence) and 29 have been renumbered claims 29 and 30 in the Listing of Claims above. Applicant regrets the error.

### Telephonic Interview

In the telephonic interview of April 4, 2007, Applicant's undersigned attorney and the Examiner discussed the Supplemental Declaration under Rule 1.131(a) filed on December 27, 2006, and the statement in the Official Action that the Supplemental Declaration is ineffective to overcome U.S. Patent No. 6,534,857 to Morse ("Morse"). In the interview, the Examiner confirmed that the Supplemental Declaration sufficiently demonstrated conception and actual reduction to practice. However, the Examiner maintained that the Supplemental Declaration was ineffective to overcome Morse. No amendments were offered or discussed, and no resolution was reached.

The above constitutes a complete summary of the telephonic interview between the Examiner and the undersigned attorney pursuant to MPEP 713.04.

### Claim Rejections

Claims 1, 4-8, 10-20 and 28-30 stand rejected as unpatentable over Morse in view of U.S. Patent No. 5,270,554 to Palmour et al. ("Palmour").

Applicant appreciates the confirmation that the Supplemental Declaration demonstrates conception and actual reduction to practice. Applicant respectfully

submits that, in this case, the Supplemental Declaration should be effective to remove Morse.

The Official Action states that an affidavit or declaration "is inappropriate under 37 CFR 1.131(a) when the reference is claiming the same patentable invention, see MPEP § 2306." Official Action at 8. The definition of interfering subject matter is set forth in 41 CFR 203(a) as follows: "(a) *Interfering subject matter*. An interference exists if the subject matter of a claim of one party would, if prior art, have anticipated or rendered obvious the subject matter of a claim of the opposing party and vice versa." (Emphasis added).

In the instant case, the claims were rejected as unpatentable under 35 U.S.C. 103(a) over Morse in view of Palmour. In rejecting the claims, the Official Action refers to certain portions of the specification of Morse, but provides no explanation of how a claim of Morse, by itself, anticipates or renders obvious a claim of the present application. Absent such a showing for a particular claim of the present application, Applicant submits that the Supplemental Declaration should be sufficient to overcome Morse, at least with respect to such claim.

Moreover, Applicant submits that the subject matter of Claims 7 and 19 are not taught or suggested by Morse in view of Palmour, much less claimed by Morse. Claim 7 recites, in part, that the non-uniform pitch gate fingers are provided in both dimensions of the two dimensional array. Claim 19 recites that the non-uniform spacing of the gates is in both dimensions of the two dimensional array.

With respect to Claim 7, the Official Action states that "the non-uniform pitch gate fingers (24) of Morse are provided in both dimensions of the two dimensional array." Official Action at 4. A similar statement is made with respect to Claim 19. The Official Action cites no passages or figures of Morse to support these statements, nor can Applicant find any teaching or suggestion in Morse of non-uniform pitch gate fingers, where the non-uniform spacing is provided in both dimensions of a two dimensional array of gate fingers. Nor is such subject matter claimed by Morse. Accordingly, Morse should be removed as a basis to reject at least Claims 7 and 19,

and the rejection of Claims 7 and 19 should be withdrawn, regardless of whether Morse is removed with respect thereto.

With respect to Claims 11 and 20, Morse does not claim a transistor including unit cells that comprise silicon carbide semiconductor device unit cells or gallium nitride semiconductor device unit cells. Accordingly, Morse should be removed as a basis to reject at least Claims 11 and 20, and the rejection of such claims should be withdrawn.

With respect to Claims 13 and 14, Morse does not claim a particular junction temperature differential (e.g. 5 °C) over a particular percentage of cells (e.g. 80%). Accordingly, Morse should be removed as a basis to reject at least Claims 13 and 14, and the rejection of such claims should be withdrawn.

With respect to Claims 28 and 29, Morse does not claim a particular gate spacing (e.g. 60  $\mu\text{m}$ ) relative to an output power (e.g. 30 W). Accordingly, Morse should be removed as a basis to reject at least Claims 28 and 29, and the rejection of such claims should be withdrawn.

### CONCLUSION

In light of the above remarks, Applicants respectfully submit that the above-entitled application is in condition for allowance. Favorable reconsideration of this application is respectfully requested. If, in the opinion of the Examiner, a further telephonic conference would expedite the examination of this matter, the Examiner is invited to call the undersigned attorney at (919) 854-1400.

Respectfully submitted,



David C. Hall  
Registration No. 38,904

**USPTO Customer No. 20792**  
Myers Bigel Sibley & Sajovec  
Post Office Box 37428  
Raleigh, North Carolina 27627  
Telephone: 919/854-1400  
Facsimile: 919/854-1401

In re: Ronald C. Meadows  
Serial No.: 10/734,398  
Filed: December 12, 2003  
Page 9

**CERTIFICATION OF TRANSMISSION**

I hereby certify that this correspondence is being transmitted via the Office electronic filing system in accordance with § 1.6(a)(4) to the U.S. Patent and Trademark Office on April 18, 2007

  
\_\_\_\_\_  
Amelia Tauchen